

RECEIVED
CENTRAL FAX CENTER
FEB 02 2005

**FACSIMILE COVER PAGE
(THIS COVER PAGE + 3 PAGES)**

Today's Date: February 2, 2005

To: Examiner D. Nguyen, Art Unit: 2871

FAX: (703) 872-9306

**From: Frederick E. Cooperrider #36,769
McGinn&Gibb, PLLC
Ph: (703) 761-2377**

In re Application of Kikkawa, et al


Serial No.: 09/527,529

**For: LIQUID-CRYSTAL DISPLAY HAVING LIQUID-CRYSTAL LAYER ORIENTED TO
BEND ALIGNMENT**

Contents: Response to Election/Restriction Requirement (3 pages)

CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 872-9306 this Response to Election/Restriction Requirement to Examiner Nguyen on February 2, 2005.



**Frederick E. Cooperrider
Reg. No. 36,769**

RECEIVED
CENTRAL FAX CENTER
FEB 02 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kikkawa, et al.

Serial No.: 09/527,529

Group Art Unit: 2871

Filed: March 16, 2000

Examiner: Nguyen, D.

For: LIQUID-CRYSTAL DISPLAY HAVING LIQUID-CRYSTAL LAYER ORIENTED TO
BEND ALIGNMENTCommissioner for Patents
Alexandria, VA 22313-1450RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Sir:

In response to the Election/Restriction Requirement in the Office Action dated January 25, 2005, Applicants hereby elect what the Examiner refers to as "Invention I" described by claims 1-6 and 10-12, with traverse, for the following reasons.

First, it is noted that Applicants fully agree with the Examiner that the two groupings of claims are indeed patentably distinct.

However, it is submitted that the Requirement currently of record clearly fails to meet the initial burden a *prima facie* election/restriction requirement. That is, even the Examiner's definition of "Invention II" is clearly not a "process of use."

Second, Applicants submit that the Examiner's rationale ("*In the instant case, the device as shown in group I does not necessarily need the step of determining a color as shown in group II.*") is deficient for at least the following reasons.

S/N: 09/527,529

Page 1 of 3

First, the guidelines in MPEP §806.05(h) required for "process of use" is that the Examiner provide an example that "... *the product as claimed can be used in a materially different process.*" Applicants submit that the "... *step of determining a color ...*" has nothing whatsoever to do with a use in a materially different process.

Second, Applicants submit that the Examiner seems to choose to ignore the claim language in one grouping of claims and then focus on the ignored language in the second grouping. That is, various claims within the first grouping (e.g., claims 1-6 and 10-12) clearly use the word "color", just as does independent claim 7.

Third, it appears that the Examiner seems to be somewhat confused in the significance of the physical concepts involved. That is, Applicants submit that, to one of ordinary skill in the art, in the visible spectrum, there is a direct correspondence between "color" and "wavelength" and that the mere absence of the word "color" in independent claim 1 does not at all mean that this concept is absent.

Finally, Applicants respectfully traverse that any additional burden is imposed upon the Examiner to consider concurrently both sets of claims, since it is the Examiner's arbitrary classification that is relied upon.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this Election/Restriction Requirement.

Early, favorable prosecution on the merits is respectfully requested.

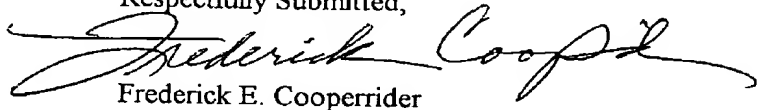
Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

S/N: 09/527,529

Page 2 of 3

A conditional petition is made for any extension of time which may become necessary.
The Commissioner is authorized to charge any fees for such extension and to credit any
overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

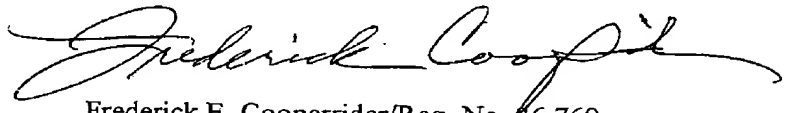

Frederick E. Cooperrider
Reg. No. 36,769

Date: 2/2/05

McGinn&Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182
(703) 761-4100/Atty's Direct No: (703) 761-2377
Customer No. 21254

CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 305-7723 this Response to an Election/
Restriction Requirement to Examiner Nguyen on February 2, 2005.


Frederick E. Cooperrider/Reg. No. 36,769

S/N: 09/527,529

Page 3 of 3